

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6613

BILL NUMBER: HB 1243

DATE PREPARED: Nov 29, 2001

BILL AMENDED:

SUBJECT: Written Burial Instructions.

FISCAL ANALYST: Karen Firestone

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits the cremation of a decedent's remains if the decedent's written instructions require disposition of the decedent's remains in another manner. The bill provides that an individual does not have the authority to designate the manner, type, and selection of the final disposition and interment of a decedent's remains in a manner that is inconsistent with the decedent's written instructions.

Effective Date: July 1, 2002.

Explanation of State Expenditures: The bill would prohibit a person with the authority to designate the manner, type, and selection of final disposition and interment of human remains to designate cremation, if the decedent had left written instructions selecting another manner of disposition and interment. A crematory authority would be prohibited from cremating the remains of a decedent who provided written instructions requiring final disposition in another manner. According to statute, a person who knowingly signs a cremation authorization form that contains false or incorrect information, or violates the cremation procedures set out in the chapter, is guilty of a Class D felony.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior,

or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.